IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13610 of 2004

Between:

V.Maruthi Siva Kumar, S/o.V.Srinivasulu,
Secondary Grade Memorial Aided, U.P.School, Nehru Nagar,
Kadapa Dist.

..... PETITIONER

AND

1 The State of A.P.,rep.by its Secretary to Education Dept., (School Edn.)Secretariat Buildings, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 The District Educational officer, Kadapa District at Kadapa.
4 The Correspondent, Jaya Rami Reddy Memorial Aided Nehru Nagar, Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of writ of Mandamus declaring the action of the Respondents in not considering the case of the petitioner for transfer from 4th Respondent's Institution to Secunderabad or nearer places where Medical & Rehabilitation facilities are available for Mentally Retarded in any of the existing vacancies as illegal, unjust and arbitrary and violative of Articles 14 and 16 of Constitution of India and consequently direct the Respondents to post the petitioner as Secondary Grade Teacher in any of the existing vacancies under the control of the Respondents where Medical & Rahabilitation facilities are available for Mentally Retarded in particular nearer to the Secunderabad and to pass.

Counsel for the Petitioner:MR.P.AMARENDER

Counsel for the Respondents 1 to 3: GP FOR EDUCATION

The Court at the admission stage made the following:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.13610 OF 2004

ORDER:

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The petitioner has been working as a Secondary Grade Assistant in an Upper Primary Aided School at Kadapa for the last eleven years. He has a son by name P.Pravin Kumar, a mentally retarded boy aged about eleven years.

The petitioner represents that he was getting his son treated at Secunderabad. He further represents that he made a representation to the first respondent, through proper channel, to transfer him from Kadapa to secunderabad or to any other nearer place to enable him to continue the treatment of his son at secunderabad. Though the petitioner filed a copy of the request letter, it does not contain the date.

In the light of the circumstances explained by the petitioner, he is directed to make a fresh representation to the first respondent, which, after receipt of the said representation from the petitioner, may consider his request and pass appropriate orders within a period of three months from the date of receipt of representation according to Rules.

The writ petition is disposed of accordingly. No order as to costs.

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Dr.G.YETHIRAJULU, J

Dated 04th August, 2004.

YCR

To

1. The Secretary, State of A.P., Education Dept.,

(School Edn.)Secretariat Buildings, Hyderabad.
2. The Commissioner & Director of School Education, Andhra

Pradesh, Hyderabad.
3. The District Educational officer, Kadapa District at Kadapa.
4. The Correspondent, Jaya Rami Reddy Memorial Aided Upper Primary School, Nehru Nagar, Kadapa, Kadapa District.

5. 2 CCs to GP for Education, High Court Bldgs, Hyd.

6. 2 C.D. copies.